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NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 5

ESPIONAGE, COUNTERINTELLIGENCE, AND RELATED CLANDESTINE ACTIVITIES

NSC review
completed.

Pursuant to the provisions of Section 102(d) of the National Security Act of 1947, as amended and with specific reference to paragraphs (4) and (5) thereof, the National Security Council hereby authorizes and directs that:

1. As comprehensive and continuing coordination of U. S. espionage, counterintelligence, and related clandestine activities, including liaison with foreign intelligence and security services on clandestine matters, can be more efficiently accomplished centrally, it shall be the duty of the Director of Central Intelligence:

a. To establish, in consultation with the Intelligence Advisory Committee, the procedures necessary to achieve such coordination and issue appropriate Director of Central Intelligence Directives as prescribed in National Security Council Intelligence Directive No. 1;

b. To coordinate all such activities, including the coordination of foreign clandestine intelligence collection with overt collection abroad, in all areas of the world outside the United States and its possessions other than active theaters of war where U. S. forces are engaged, in which case the provisions of paragraph 9. below shall apply;

c. To provide for their coordination with the Departments and Agencies responsible for domestic counterintelligence activities to the extent necessary to ensure conformity with policies enunciated by the National Security Council;

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d. To invite Departments and Agencies not permanent members of the Intelligence Advisory Committee which have counterintelligence responsibilities abroad to participate in the Intelligence Advisory Committee deliberations when counterintelligence matters affecting such responsibilities are under consideration.

2. The Central Intelligence Agency is the national clandestine service of the United States and as such has primary responsibility for the conduct of espionage, counterintelligence and related clandestine activities, as a service of common concern, outside the United States and its possessions, and for all liaison relationships with foreign intelligence and security services with respect to clandestine matters.

3. In agreement with the Director of Central Intelligence and subject to the coordination specified in paragraph 1 above, other Departments and Agencies may conduct, outside the United States and its possessions, espionage and such counterintelligence activities of a clandestine nature required for the execution of their assigned missions or for the security of their personnel, classified information, equipment or installations. Other Departments and Agencies may conduct counterintelligence activities of a non-clandestine nature, liaison with foreign intelligence and security services on non-clandestine matters, and liaison with such services on clandestine matters after coordination with the Director of Central Intelligence as provided herein.

4. The Central Intelligence Agency shall be responsible for maintaining as a service of common concern the central indices and records of foreign counterintelligence information. Other Departments and Agencies shall support this activity by contributing to the central file, on a continuing basis, all pertinent material collected by them.

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5. To increase the effectiveness of the Central Intelligence Agency's services of common concern in the espionage field, the members of the intelligence community shall furnish the Central Intelligence Agency, on a continuing basis, pertinent guidance, specific collection requirements and assessments of the information collected.

6. To promote the efficiency of the U. S. clandestine effort, the Central Intelligence Agency, as a service of common concern, shall provide to Departments and Agencies engaged in clandestine activities authorized by this directive, such operational guidance and information, technical support and training programs as may be practicable.

7. The Director of Central Intelligence shall make arrangements with other Departments and Agencies for such cover support as may be required by the Central Intelligence Agency to conduct its espionage and counterintelligence activities with the maximum of effectiveness, and shall coordinate the arrangements for cover support required by other Departments and Agencies conducting clandestine activities under the provisions of this directive.

8. In a foreign area other than an active theater of war where U.S. forces are engaged, the designated representative of the Director of Central Intelligence shall keep the senior U.S. representative appropriately advised of U.S. espionage and counterintelligence activities conducted in or from the area.

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9. In a foreign area where major U.S. military commands are stationed, the designated representative of the Director of Central Intelligence shall keep the senior U.S. military commanders informed of the espionage and counterintelligence operations conducted by the Central Intelligence Agency in or from the area in direct support of the commanders.

10. In active theaters of war where U.S. forces are engaged or as the President may so direct:

a. All resources of the Central Intelligence Agency shall be included in a CIA Component Force and, through the CIA commander thereof, shall provide espionage and counterintelligence support to military operations in accordance with the requirements of the U.S. Military Theater Commander or the Joint Chiefs of Staff.

b. Such exceptional espionage and counterintelligence operations as may be conducted by the CIA Theater Force in support of national requirements as distinguished from those operations conducted in support of the Military Theater Commander shall be coordinated by the Director of Central Intelligence with the Joint Chiefs of Staff.

c. The Director of Central Intelligence and the Joint Chiefs of Staff shall establish procedures for the coordination of liaison between U.S. military commanders and foreign services concerning clandestine matters.

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11. For the purpose of this directive:

a. Espionage is defined as those clandestine activities which are directed toward the acquisition of information or toward the performance of intelligence operations against a foreign power.

b. Counterintelligence is defined as "That phase of intelligence covering all activity devoted to destroying the effectiveness of inimical foreign intelligence activities and to the protection of information against espionage, personnel against subversion, and installations or material against sabotage."

(Dictionary of United States Military Terms for Joint Usage).

Counterintelligence may also be defined as that intelligence activity, with its resultant product, which is undertaken to protect the security of the nation, and its personnel and installations abroad, against espionage, counterespionage, sabotage, and subversion. As an activity, counterintelligence includes the process of procuring, developing, and recording information concerning espionage, counterespionage, sabotage and subversion directed against the national security, and of penetrating, manipulating, or repressing individuals, groups or organizations conducting or capable of conducting, such acts.

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NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 5

ESPIONAGE AND COUNTERINTELLIGENCE

Pursuant to the provisions of Section 102(d) of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. For the purpose of this directive:

a. Espionage is defined as those clandestine activities which are directed toward the acquisition of information or toward the performance of intelligence operations against a foreign power.

b. Counterintelligence is defined as "That phase of intelligence covering all activity devoted to destroying the effectiveness of inimical foreign intelligence activities and to the protection of information against espionage, personnel against subversion, and installations or material against sabotage." (Dictionary of United States Military Terms for Joint Usage). Counterintelligence may also be defined as that intelligence activity, with its resultant product, which is undertaken to protect the security of the nation, and its personnel and installations abroad, against espionage, counterespionage, sabotage, and subversion. As an activity, counterintelligence includes the process of procuring, developing, and recording information concerning espionage, counterespionage, sabotage and subversion directed against

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the national security, and of penetrating, manipulating, or repressing individuals, groups, or organizations conducting or capable of conducting, such acts.

2. The Central Intelligence Agency is the national clandestine service of the United States and as such shall have primary responsibility for:

a. The conduct of espionage outside the United States and its possessions in order to meet the needs of all Departments and Agencies concerned, in connection with the national security;

b. The conduct of counterintelligence outside the United States and its possessions;

c. The establishment, conduct, development and coordination of liaison concerning clandestine matters, with foreign intelligence and security services;

d. Maintaining for the benefit of the intelligence community as a service of common concern the central indices and records of foreign counterintelligence information.

NOTE: The revised text above combines paras. 1, 2 and 4 and 11 in part of the 9 July draft, establishes CIA as the national clandestine service, deletes the term "agreed activities" and devotes itself entirely to what the Agency will do.

3. Departments and Agencies with personnel, commands, or installations located outside the U. S. and its possessions are responsible for the execution of their respective missions and for the security of their personnel, commands, and installations.

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4. In agreement with the Director of Central Intelligence and in conformity with coordination indicated herein, the Departments and Agencies may, in areas outside the U. S. and its possessions:

- a. Conduct espionage in order to satisfy additional departmental intelligence needs;
- b. Conduct counterintelligence activities of a clandestine nature necessary for the security of their commands, activities and installations;
- c. Conduct liaison with foreign intelligence and security services on non-clandestine matters without reference to the provisions of this directive, and on clandestine matters after coordination with the Director of Central Intelligence as provided herein.

NOTE: This is a new paragraph 2. designed to spell out in positive terms the extent to which the other Departments and Agencies may engage in the clandestine activities covered by this directive - with the exception of the words applying to agreement with the DCI and conformity with coordination, I have used, to the greatest extent possible, the words contained in the Army draft paper - as with reference to CIA, both espionage and counter-intelligence are treated in a single paragraph. It does not seem necessary to state that the Departments and Agencies are responsible for counterintelligence protection of their people, etc., as that is a basic responsibility. This para. also covers liaison as set forth in the last two sentences of para. 11 of the 9 July draft.

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5. To promote the over-all interests of the U. S. intelligence community by ensuring comprehensive and continuing coordination of all the clandestine activities authorized herein the Director of Central Intelligence shall:

a. Establish, in consultation with the Intelligence Advisory Committee, the procedures necessary to achieve effective coordination, and publish appropriate Director of Central Intelligence Directives as prescribed in National Security Council Intelligence Directive No. 1;

b. Coordinate all such clandestine activities, including the coordination of foreign clandestine collection with overt collection abroad, in all areas of the world outside the United States and its possessions other than active theaters of war where U. S. forces are engaged, in which event the provisions of para. 10 shall apply;

c. Invite Departments and Agencies not permanent members of the Intelligence Advisory Committee which have counterintelligence responsibilities abroad to participate in the Intelligence Advisory Committee deliberations when counterintelligence matters affecting such responsibilities are under consideration;

d. Provide for the coordination of these activities with the Departments and Agencies responsible for domestic counterintelligence activities to the extent necessary to ensure conformity with policies enunciated by the National Security Council;

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e. Make arrangements with the appropriate Departments and Agencies for such cover support as may be needed by the Central Intelligence, and coordinate any arrangements for such support that may be required by other Departments and Agencies to carry out the clandestine activities authorized in para. 2 above.

NOTE: The above paragraph and sub-paragraphs combine the substance of paras. 5, 6, and 8 of the 9 July draft but is designed to spell out more clearly the DCI actions involved, i.e., coordination, establishment of procedures, inviting of non-IAC members to sit in when matters of concern to them are under consideration, and arrangement of cover. It also applies the feature of "consultation with the IAC", only to the act of establishing procedures for coordination as it should be obvious that the DCI is not expected to consult with the IAC every time he takes some action to carry out the coordination for which the NSC has made him responsible.

6. In support of the services of common concern provided by the Central Intelligence Agency, the Departments and Agencies shall:

- a. Contribute on a continuing basis to the central indices and records of foreign intelligence information maintained by the Central Intelligence all pertinent material collected by them;
- b. Assist the Central Intelligence Agency in its conduct of espionage by providing continuous and timely guidance, specific collection requirements, and assessments of the information collected.

NOTE: This paragraph is designed to combine the substance of the last sentence of para. 4 and of para. 7 in the 9 July draft as they are responsibilities of the other Departments and Agencies in support of CIA.

7. To promote the efficiency and effectiveness of the U. S. clandestine effort, the Central Intelligence Agency as a service of common concern shall provide to Departments and Agencies engaged in clandestine activities authorized by this directive, such operational guidance and information, technical support and training as may be practicable.

NOTE: This is to further establish the CIA as the national clandestine service by giving it a specific responsibility to actively support the other Departments and Agencies to the end that their clandestine activities will be carried out with the same high degree of efficiency and effectiveness as our own.

8. In a foreign area other than an active theater of war where U. S. forces are engaged, the designated representative of the Director of Central Intelligence shall keep the senior U. S. representative appropriately advised of U. S. espionage and counterintelligence activities conducted in or from the area.

9. In a foreign area where major U. S. military commands are stationed, the designated representative of the Director of Central Intelligence shall keep the senior U. S. military commanders informed of the espionage and counterintelligence operations conducted by the Central Intelligence Agency in or from the area in direct support of the commanders.

NOTE: The above paragraphs are identical with paras. 9 and 10 of the 9 July draft except that in line 2 of old para. 9 I have removed the words "in combat" as being unnecessary and further to make the text comparable with that appearing in the command relations agreement between the DCI and the JCS.

10. In active theaters of war where U. S. forces are engaged, or when the President directs:

a. All resources of the Central Intelligence Agency shall be included in a CIA Component Force and, through the CIA Commander thereof, shall provide espionage and counter-intelligence support to military operations in accordance with the requirements of the U. S. Military Theater Commander or the Joint Chiefs of Staff;

b. Such exceptional espionage and counterintelligence operations as may be conducted by the CIA Theater Force in support of national requirements as distinguished from those operations conducted in support of the Military Theater Commander shall be coordinated by the Director of Central Intelligence with the Joint Chiefs of Staff;

c. The Director of Central Intelligence and the Joint Chiefs of Staff shall establish procedures for the coordination of liaison between U. S. military commanders and foreign services concerning clandestine matters.

NOTE: Substantially the same as Para. 12
of 9 July draft.

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Revisions made May 57

Revision of 9 July Draft
Draft/31 July 57

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NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 5

ESPIONAGE AND COUNTERINTELLIGENCE

Pursuant to the provisions of Section 102(a) of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. The Central Intelligence Agency is the national clandestine service of the United States and as such shall have primary responsibility for;

a. The conduct of espionage outside the United States and its possessions in order to meet the needs of all Departments and Agencies concerned, in connection with the national security;

b. The conduct of counterintelligence outside the United States and its possessions;

c. The establishment, conduct, development and coordination of liaison concerning clandestine matters, with foreign intelligence and security services;

d. Maintaining for the benefit of the intelligence community as a service of common concern the central indices and records of foreign counterintelligence information.

NOTE: The revised text above combines paras. 1, 2 and 4 and 11 in part of the 9 July draft, establishes CIA as the national clandestine service, deletes the term "agreed activities" and devotes itself entirely to what the Agency will do.

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2. In agreement with the Director of Central Intelligence and in conformity with the coordination specified in para. (3) below, Departments and other Agencies may conduct, outside the United States and its possessions, espionage in order to satisfy departmental intelligence needs and those counterintelligence activities of a clandestine nature necessary for the security of their commands, activities and installations and the execution of their assigned missions. Other Departments and Agencies may conduct counterintelligence activities of a non-clandestine nature and liaison on non-clandestine matters with foreign intelligence and security services without reference to this directive. However, any direct liaison with such services which concerns or affects clandestine matters and is required in support of ^{clandestine} departmental activities [indicated above], will be coordinated as indicated above.

NOTE: This is a new paragraph 2. designed to spell out in positive terms the extent to which the other Departments and Agencies may engage in the clandestine activities covered by this directive - with the exception of the words applying to agreement with the DCI and conformity with coordination, I have used, to the greatest extent possible, the words contained in the Army draft paper - as with reference to CIA, both espionage and counterintelligence are treated in a single paragraph. It does not seem necessary to state that the Departments and Agencies are responsible for counterintelligence protection of their people, etc., as that is a basic responsibility. This para. also covers liaison as set forth in the last two sentences of para. 11 of the 9 July draft.

3. To promote the over-all interests of the U. S. intelligence community by ensuring comprehensive and continuing coordination of all the clandestine activities authorized herein the Director of Central Intelligence shall:

a. Coordinate all such clandestine activities, including the coordination of foreign clandestine collection with overt collection abroad, in all areas of the world outside the United States and its possessions other than active theaters of war where U.S. forces are engaged, in which event the provisions of para. (3) shall apply;

b. Provide for the coordination of these activities with the Departments and Agencies responsible for domestic counterintelligence activities to the extent necessary to ensure conformity with policies enunciated by the National Security Council;

c. Establish, after consultation with the Intelligence Advisory Committee, the procedures necessary to achieve such coordination through the issuance of appropriate Director of Central Intelligence Directives as prescribed in National Security Council Intelligence Directive No. 1

d. Invite Departments and Agencies not permanent members of the Intelligence Advisory Committee which have counterintelligence responsibilities abroad to participate in the Intelligence Advisory Committee deliberations when counterintelligence matters affecting such responsibilities are under consideration.

e. Make arrangements with the appropriate Departments and Agencies for such cover support as may be needed by the Central Intelligence and coordinate any arrangements for such support that may be required by other Departments and Agencies to carry out the clandestine activities authorized in para. 2. above.

NOTE: The above paragraph and sub-paragraphs combine the substance of paras. 5, 6, and 8 of the 9 July draft but is designed to spell out more clearly the DCI actions involved, i.e., coordination, establishment of procedures, inviting of non-IAC members to sit in when matters of concern to them are under consideration, and arrangement of cover. It also applies the feature of "consultation with the IAC", only to the act of establishing procedures for coordination as it should be obvious that the DCI is not expected to consult with the IAC every time he takes some action to carry out the coordination for which the NSC has made him responsible.

4. In support of the services of common concern provided by the Central Intelligence Agency, the other Departments and Agencies shall:

- a. Contribute on a continuing basis to the central indices and records of foreign intelligence information authorized in para. 1.d. above, all pertinent material collected by them;
- b. Assist the Central Intelligence Agency in its conduct of espionage by providing continuous and timely guidance, specific collection requirements, and assessments of the information collected.

NOTE: This paragraph is designed to combine the substance of the last sentence of para. 4 and of para. 7 in the 9 July draft as they are responsibilities of the other Departments and Agencies in support of CIA.

5. As a service of common concern to promote the efficiency and effectiveness of the U. S. clandestine effort, the Central Intelligence Agency shall provide to the other Departments and Agencies conducting clandestine activities authorized by this directive, appropriate operational guidance and information, technical support, and the participation of their personnel in Agency clandestine training programs.

NOTE: This is to further establish the CIA as the national clandestine service by giving it a specific responsibility to actively support the other Departments and Agencies to the end that their clandestine activities will be carried out with the same high degree of efficiency and effectiveness as our own.

6. In a foreign area other than an active theater of war where U. S. forces are engaged, the designated representative of the Director of Central Intelligence shall keep the senior U. S. representative appropriately advised of U. S. espionage and counterintelligence activities conducted in or from the area.

7. In a foreign area where major U. S. military commands are stationed, the designated representative of the Director of Central Intelligence shall keep the senior U. S. military commanders informed of the espionage and counterintelligence operations conducted by the Central Intelligence Agency in or from the area in direct support of the commanders.

NOTE: The above paragraphs are identical with paras. 9 and 10 of the 9 July draft except that in line 2 of old para. 9 I have removed the words "in combat" as being unnecessary and further to make the text comparable with that appearing in the command relations agreement between the DCI and the JCS.

8. In active theaters of war where U. S. forces are engaged in combat:

a. All resources of the Central Intelligence Agency shall be included in a CIA Theater Force and, through the SIA Commander thereof, shall provide espionage and counterintelligence support to military operations in accordance with the requirements of the U. S. Military Theater Commander or the Joint Chiefs of Staff.

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b. Such exceptional espionage and counterintelligence operations as may be conducted by the CIA Theater Force in support of national requirements as distinguished from those operations conducted in support of the Military Theater Commander shall be coordinated by the Director of Central Intelligence with the Joint Chiefs of Staff.

c. The Director of Central Intelligence and the Joint Chiefs of Staff shall establish procedures for the coordination of liaison between U.S. military commanders and foreign services concerning clandestine matters.

NOTE: Identical with para. 12 of 9 July draft.

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